



## General Regulatory Chamber guidance note for policy makers

The General Regulatory Chamber (GRC) deals with a number of appeals from decisions made by public authorities who have regulatory functions.

The purpose of this note is to guide policy makers through the appeals procedure.

Further information is available from

[www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

### The Chamber

The Chamber is headed by President, Judge Nicholas Warren, supported by fee paid judiciary. Some cases are heard by judges sitting alone, others by a panel involving specialist members. It is administered by HM Courts & Tribunals staff at two offices:

#### Leicester Office

Arnhem Support Centre (Tribunal)  
PO Box 9300  
Leicester  
LE1 8DJ  
0300 123 4504

#### London Office

5th Floor, Rolls Building  
7 Rolls Buildings  
Fetter Lane  
London  
EC4A 1NL  
0207 947 7422

Staff cannot give legal advice about individual cases but can help with process queries. All case specific information should be sent via a secure email address. At Leicester a legally qualified registrar assists the judiciary in managing some appeals.

## **Tribunal Rules**

The Rules GRC work to are available at:

[www.justice.gov.uk/downloads/tribunals/general/consolidated-TPFTT-GRC-Rules2009-6-04-12.pdf](http://www.justice.gov.uk/downloads/tribunals/general/consolidated-TPFTT-GRC-Rules2009-6-04-12.pdf)

It is always important to remember Rule 2:

### **“Overriding objective and parties’ obligation to co-operate with the Tribunal**

2. (1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.
- (2) Dealing with a case fairly and justly includes:
  - (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;
  - (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
  - (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
  - (d) using any special expertise of the Tribunal effectively; and
  - (e) avoiding delay, so far as compatible with proper consideration of the issues.
- (3) The Tribunal must seek to give effect to the overriding objective when it:
  - (a) exercises any power under these Rules; or
  - (b) interprets any rule or practice direction.
- (4) Parties must:
  - (a) help the Tribunal to further the overriding objective; and
  - (b) co-operate with the Tribunal generally.”

It follows that all parties are expected to cooperate with each other and to assist the Tribunal. In turn, those who come before the Tribunal can have confidence that although the Tribunal may be unfamiliar territory, no one will be trying to trip them up.

The Tribunal is used to hearings at which ordinary citizens present their case on their own. To make sure that proceedings are fair, Tribunal judges will try to enable both sides to put their case properly. They will try to be flexible, avoid unnecessary formality and deal with cases in a proportionate way. It is for each party to decide whether they wish to be legally represented. In the absence of unreasonable behaviour, each side is responsible of their own legal costs.

The guidance which follows is necessarily general.

## **Before an appeal**

It is the responsibility of the decision maker from whom a right of appeal exists to inform recipients about their appeal right at the time of making their decision.

The recipient usually has 28 calendar days to submit an appeal from the date of the decision. They should do this by sending a completed appeal form or letter to the Tribunal – after which they are referred to as ‘the appellant’. This is then sent by the Tribunal to the decision maker.

The decision maker then has 28 days after the date of receipt to file a response. The decision maker’s response must be submitted to other parties at the same time as they provide the response to the Tribunal.

The appellant then has 14 days from the date of receipt of the decision maker’s response to submit a counter reply to the other party at the same time as it provides the reply to the Tribunal.

If the appeal is out of time then it cannot proceed unless the time limit is extended by a registrar or a judge. If the decision maker thinks the decision to extend the time limit is wrong, it can ask for it to be reconsidered by a judge.

## **Responding to an appeal**

The requirements for a response are in Rule 27.2 the response must contain:

- (a) The decision maker’s name and address
- (b) The name and address of its representative if it has one
- (c) The address to which any Tribunal document must be sent
- (d) Whether the decision maker wants the case to be dealt with at a hearing or would be content for a decision on the papers
- (e) Whether the decision maker opposes the appeal and if so on what grounds
- (f) If the appellant has not yet provided it, a copy of the decision and any statement of reasons for it.

The response provides the opportunity for the decision maker to explain why its decision was correct. It has an obligation to disclose all relevant evidence to the Tribunal in the bundle. A copy of the response must be sent to the Tribunal and the other party.

There are three common sets of circumstances a decision maker should think about when preparing a response:

1. Where the decision maker agrees with the grounds of appeal and considers that the decision should be changed.
2. Where the decision maker thinks the law is such that the appellant has no chance of succeeding.
3. Where the decision maker cannot really tell from the appeal form what the appellant is getting at either because too little detail is given or too much.

A decision maker is encouraged to review its decision on receipt of an appeal. The Tribunal can make a consent order if an agreement between the parties can be reached before the Tribunal hears the case.

Some cases are struck out. This means that they are brought to an end without there being a full Tribunal decision. It happens only in a minority of cases, for example:

- (a) where the Tribunal does not have jurisdiction
- (b) if there is no reasonable prospect of the case succeeding.

A decision maker can submit a strike out application to the Tribunal. It should have attached to it any evidence which the Tribunal might need to understand what the case is about.

If a decision maker is unsure of the grounds of appeal, it can contact the appellant to ask for clarification. If this does not come then it can ask the Tribunal for a direction that the appeal letter be put into good order.

## **Case management**

After receipt of the bundle from the decision maker, the appellant then has 14 days to provide a reply to the Tribunal and the decision maker.

The case may be looked at by a registrar or a judge who will give guidance or directions about the evidence or other information which parties must provide. Any party can ask the judge to make a direction as part of the management of the case.

## **Hearings**

If all parties agree, the Tribunal can consider the appeal on the papers provided. However, each party has the right to insist on a hearing. Some cases are heard by judges sitting alone, others by a panel involving specialist members. The composition of the panel is set out in the Tribunals Composition Statement,

[www.judiciary.gov.uk/Resources/JCO/Documents/Practice%20Directions/Tribunals/ps-composition-qrc-revised-24092012.pdf](http://www.judiciary.gov.uk/Resources/JCO/Documents/Practice%20Directions/Tribunals/ps-composition-qrc-revised-24092012.pdf)

When a case is dealt with on paper it means the members of the Tribunal will meet in private to consider the papers, discuss the case between them and make a decision, or, if a single judge decision, a judge will consider the papers in private. This means that all arguments have to be put in writing in advance so that they can be considered. The Tribunal then sends out a written decision to the parties. Just occasionally, when it considers the papers, the Tribunal decides that it cannot reach a fair decision without a hearing – in which case the Tribunal will arrange for one to be held. The Tribunal will give at least 14 days notice of the date of an oral hearing unless all parties agree to an earlier date.

If one or more of the parties wants a hearing, then Tribunal staff will fix a date for this after consultation with the parties. They will try to find a court or tribunal centre which is convenient for everyone and suitable for any special requirements which they have been informed about. Parties are not required to attend hearings but it is usually best for them to do so.

The judge will be in charge of the hearing and will ensure that all sides have a fair opportunity to speak. Witnesses may attend to give evidence and answer questions. The judge will decide whether they should take an oath before doing so. The judge will also decide whether it is necessary for evidence to be given and the extent of any questions from the recipient, sometimes called cross examination.

## **Decisions**

Sometimes it is possible for the Tribunal to tell the parties its decision at the end of an oral hearing. In any event, a full written decision will be sent out to them usually within about two or three weeks.

The end to end process from when the appeal is submitted to when the appeal is heard is on average up to 30 weeks.

GRC Tribunal decisions are binding on all parties. There is a further right of appeal to the Upper Tribunal but only if there is an error of law in the GRC Tribunal decision. Information about the appeals to the Upper Tribunal is sent out with the written GRC decision.